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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10
11 In the Matter of the Accusation Against:

Case No. **2010-638**

12 **CHRISTOPHER DELA VEGA**
13 **CARDENAS**
204 N. 10th Street
14 Montebello, CA 90640
15 Registered Nurse License No. 653396

A C C U S A T I O N

16 Respondent.

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19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
23 of Consumer Affairs.

24 2. On or about February 24, 2005, the Board of Registered Nursing issued Registered
25 Nurse License Number 653396 to Christopher Dela Vega Cardenas (Respondent). The
26 Registered Nurse License was in full force and effect at all times relevant to the charges brought
27 herein and will expire on September 30, 2010, unless renewed.

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1 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
2 defined in Section 4022.

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4 “(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
5 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this
6 section.”

7 REGULATORY PROVISIONS

8 8. California Code of Regulations, title 16, section 1442, states:

9 “As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from
10 the standard of care which, under similar circumstances, would have ordinarily been exercised by
11 a competent registered nurse. Such an extreme departure means the repeated failure to provide
12 nursing care as required or failure to provide care or to exercise ordinary precaution in a single
13 situation which the nurse knew, or should have known, could have jeopardized the client's health
14 or life.”

15 DANGEROUS DRUG S / CONTROLLED SUBSTANCES

16 9. Vicodin is a form of Hydrocodone, and is a controlled substance pursuant to Health
17 and Safety Code 11055, subdivision (b)(1)(j), and a dangerous drug pursuant to Code section
18 4022.

19 10. Xanax, also known as Alprazolam, is a form of Benzodiazepine, and is a controlled
20 substance pursuant to Health and Safety Code 11057, subdivision (d)(1) , and a dangerous drug
21 pursuant to Code section 4022.

22 11. Ativan, also known as Lorazepam, is a form of Benzodiazepine, and is a controlled
23 substance pursuant to Health and Safety Code 11057, subdivision (d)(16), and a dangerous drug
24 pursuant to Code section 4022.

25 COST RECOVERY

26 12. Section 125.3 of the Code provides, in part, that the Board may request the
27 administrative law judge to direct a licensee found to have committed a violation or violations of
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1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct)**

5 13. Respondent is subject to disciplinary action under Code section 2761, subdivision (a),
6 on the grounds of unprofessional conduct. The circumstances are as follows:

7 a. On or about March 7, 2008, patient V.F. was admitted to the hospital. Respondent
8 was the nurse assigned to patient V.F. Respondent said patient V.F. was confused and shouting.
9 On or about March 7, 2008 through March 8, 2008, Respondent obtained and administered to
10 patient V.F., three different prescription medications without a doctor's order. Respondent used a
11 medical override to obtain Ativan, Xanax, and Vicodin from MedSelect, an automated medication
12 dispenser. Respondent withdrew the medication under different patient names, and then
13 administered the medication to patient V.F. Respondent failed to properly record the medication
14 withdraws and administration in the appropriate patient files.

15 b. On or about March 8, 2008, patient V.F.'s breathing became shallow and a code blue
16 was called. Respondent immediately withdrew Narcan, a medication used to reverse symptoms of
17 drug overdose, from MedSelect. Patient V.F. was transferred to critical care. Respondent became
18 scared and returned the Narcan to MedSelect. Patient V.F. died on March 9, 2008.

19 c. Respondent admitted to administering Xanax and Vicodin to patient V.F.
20 Respondent admitted that he lied to hospital administrators about having a doctor's order for the
21 Xanax. There was no doctor's order for Vicodin or Ativan to be administered to patient V.F.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Gross Negligence)**

24 14. Respondent is subject to disciplinary action under Code section 2761, subdivision
25 (a)(1), in conjunction with California Code of Regulations section 1442, for gross negligence, in
26 that Respondent failed to provide care and or exercise ordinary precaution, which he knew or
27 should have known could have jeopardized the client's health or life. Complainant's allegations,
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1 as set forth in paragraph 10, subparagraphs (a) through (c), are incorporated by referenced, as
2 though fully set forth.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Violating the Nursing Practice Act)**

5 15. Respondent is subject to disciplinary action under Code section 2761, subdivision (d),
6 in that Respondent's actions constitute a violation of the Nursing Practice Act. Specifically,
7 Respondent obtained and administered Vicodin, Ativan and Xanax to patient V.F., without a
8 doctor's order or prescription. Complainant's allegations, as set forth in paragraph 10,
9 subparagraphs (a) through (c), are incorporated by referenced, as though fully set forth.

10 **FOURTH CAUSE FOR DISCIPLINE**

11 **(Administration of Controlled Substances)**

12 16. Respondent is subject to disciplinary action under Code section 2762, subdivision (a),
13 in that Respondent obtained Vicodin, Ativan and Xanax, without a doctor's order or prescription
14 and administered these controlled substances to patient V.F. Complainant's allegations, as set
15 forth in paragraph 10, subparagraph (a) and (c), are incorporated by referenced, as though fully
16 set forth.

17 **FIFTH CAUSE FOR DISCIPLINE**

18 **(Falsifying Medical Records)**

19 17. Respondent is subject to disciplinary action under Code section 2762, subdivision (e),
20 in that Respondent made grossly inaccurate and or false entries in patient medical records.
21 Complainant's allegations, as set forth in paragraph 10, subparagraph (a), are incorporated by
22 referenced, as though fully set forth.

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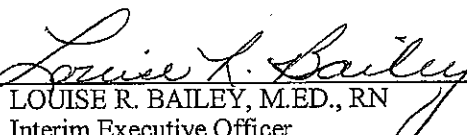
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 653396, issued to Christopher Dela Vega Cardenas;
2. Ordering Christopher Dela Vega Cardenas to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 6/16/10


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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